

REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-4, 6-12, and 14-25 are currently pending.

In the Office Action, claims 19-22 were rejected under 35 U.S.C. § 102(e) as being unpatentable by United States Patent Application Publication No. 2003/0003919 A1 to Beming et al. In response, Applicants submit a declaration of prior invention in the United States under 37 C.F.R. § 131.1 to overcome the rejection. The declaration states that the completion of the invention in the application is prior to the effective date, i.e. the filing date of Beming, and that between the filing date of Beming and the filing date of this application, Applicants have exercised due diligence in pursuing their invention. Applicants therefore submit that the rejection of claims 19-22 is moot in view of the declaration. Applicants respectfully request that the rejection under Section 102(e) be withdrawn.

Claims 1-4, 6-12, 14-18 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0076803 to Chuah and further in view of Beming. As stated above, Applicants submit the declaration of prior invention in the United States to overcome Beming thereby removing it as a prior art reference. Without Beming as prior art, the rejection under Section 103(a) does not stand. As admitted in the Office Action, Chuah standing alone does not disclose, teach or otherwise suggest the claimed invention. See e.g. pages 3-4 of the Office Action "Chuah does not specifically teach wherein the first and second sets of redundant communication paths are adapted to simultaneously convey communications associated with a mobile communication device." Applicants respectfully submit that the rejection of claims 1-4, 6-12, 14-18 and 23-25 is moot in view of the declaration. Therefore, Applicants respectfully request that the rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Response overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance

Serial No. 10/043,797
Pedziwiatr et al
Case No. CE08185R

of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

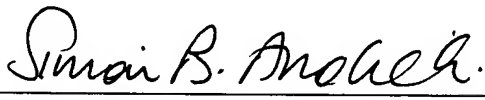
Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
Pedziwiatr, Joseph et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: **22917**

By: 
Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750